

MEMORANDUM

NATIONAL SECURITY COUNCIL

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INFORMATION

State Dept. review completed

August 4, 1972

MEMORANDUM FOR: MR. KISSINGER
FROM: JOHN NEGROPONTE *Jan*
SUBJECT: DRV Negotiating Proposal and Where
We Go from Here

Attached at Tab A is a brief analysis of what I believe to be some of the salient elements of their August 1 proposal.

I am particularly intrigued by their procedural document which states that the two parties will "discuss and resolve issues one by one." I was also struck by Tho's invitation to discuss the modalities of troop withdrawals and prisoner releases if we agreed to the military principles he enunciated.

My own calculation is that they continue to expect us to stonewall them on the political issue. If they feel an overriding compulsion to settle they will agree on military issues alone but, as can be seen from point 2 of their negotiating document, they have thrown in an end to our military aid to the Saigon Administration for good measure and this would be a sticking point.

The procedural document's invitation to "discuss and resolve issues one by one" provides us a good opening for our next meeting to propose a concrete agenda. One way to structure the meeting might be as follows:

A. Begin with a set of general remarks about their proposal, laying out in broad terms areas of agreement and disagreement.

B. Propose an agenda of issues for that and following meetings.
For example:

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-- Modalities of troop withdrawals

(At the August 1 meeting Tho himself proposed our withdrawals, followed by the question of aid to Saigon, followed by the timing of ceasefire as issues for first and "immediate" discussion.)

-- Modalities of prisoner releases

-- Modalities of a ceasefire

-- The political question.

C. If they agreed we might even get into the POW or withdrawal question in somewhat more detail; or perhaps ceasefire modalities.

D. On the political question you could explain that you are not in any position to negotiate in detail because you must first consult President Thieu. This could have the doubly-beneficial effect of demonstrating that we won't go behind the GVN's back and, the fact itself that you are consulting Thieu would discourage them from expecting any major breakthrough on the political front. It may also have the beneficial effect of prompting them to consider showing even more of their hand at the following meeting or two.

One brief comment on the current situation on the ground as it affects our talks. I think Hanoi is engaged in a final supreme effort; their manpower priorities are stretched to the utmost; and everything is now keyed to November 7. I find it inconceivable that Hanoi will do anything but revert back to protracted warfare after that. Meanwhile we will be in for some rocky times in Quang Tri/Thua Thien and parts of the Delta where their strategy is to disrupt lines of communication, hurt the economy and generally make inroads into the population. They may enjoy some temporary successes but if we hold to the broad lines of our current negotiating position for the next 90 days, I think we stand a good chance of seeing the talks break our way just before the election or, in my view more likely, a reversion to protracted warfare after the election which is likely to prove within the GVN's capability to contain with minimal direct U.S. military involvement-- and, assuming the few necessary structural improvements in RVNAF, no direct military role on our part within a couple of years.

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TAB A

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The Communist Proposal of August 1, 1972

1. Withdrawals No Longer the First Point:

This first point no longer pertains to withdrawals. It contains a pre-ambulatory set of principles which we must respect including an end to "all U.S. involvement in Vietnam" and then a specific set of steps which in earlier formulations had simply been referred to as the "air war" but which they now define as refraining from using our ground, air and naval forces "no matter where they come from." Thus our activities originating from Thailand and the 7th fleet have now been explicitly drawn into their negotiating position.

The first point also includes a statement that we will stop the bombing and mining of the North.

2. Withdrawals One Month After Agreement:

Wording of the withdrawal provision remains essentially unchanged with the exception of timing which now is a one month period tied to the completion of an overall agreement.

A curious addition to the withdrawal section is the provision that U.S. aid to the Saigon Administration will end when the ceasefire comes into force in South Vietnam.

This is the first explicit mention of U.S. aid in their negotiating position; but the provision more logically would have said that our aid will stop when a government of National Concord is formed.

The present formulation suggests that if they ever agreed to settle the military issues separately, cessation of our aid to the GVN would be a quid pro quo.

3. Exchange of Prisoner Lists:

This is the first mention of an exchange of prisoner lists, which is to be done on the day of the signing of the agreement. An important detail, though not a concession.

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4. Thieu's Resignation No Longer a Precondition for Talks:

The political provisions drop their insistence that Thieu resign immediately to pave the way for PRG-Saigon Administration talks on the formation of a Government of National Concord. In the new plan, Thieu is to resign immediately after the signing of the overall agreement. However, the other part of their conditions for these talks--namely, that the Saigon Administration should change its policy, ensuring democratic liberties, releasing political prisoners, etc. -- remains stated in the procedural segment of the plan (paragraph 2 a), along with a new demand that the GVN make its Paris Talks delegation "more representative". The relegation of these demands to the procedural section hints at considerable possibility for flexible interpretation. Moreover, compared to the two-point elaboration, the necessary changes in Saigon Administration policy have been somewhat toned down--for example, there is no longer an explicit demand for a halt to pacification or disbanding of "concentration camps."

A precondition for PRG-Saigon talks, however, is that we agree with the DRV to the "principles and main contents" of the political question first.

5. Government of National Concord Concept Elaborated:

A number of details are stated for the first time: a.) that the three segments of the Government are to be evenly matched; and b.) that the third segment will be appointed in common agreement by the PRG and Saigon Administration. These provisions together would ensure a 50-50 representation for the PRG.

6. Question of Vietnamese Armed Forces:

The question of Vietnamese armed forces in South Vietnam is to be settled between the PRG and the Saigon Administration after the ceasefire. Formerly all that was said was that this was a question to be settled between the "Vietnamese parties".

7. New Emphasis on International Control and Supervision:

Where previous proposals have just referred vaguely to the necessity for international "supervision", this plan for the first time refers both

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to international "supervision" and "control", and says that an international control and supervision commission will be established. The organization of this commission as well as the subjects under its purview would be agreed upon by the parties. However, the standstill ceasefire is specifically put under control and supervision. This new emphasis could be interpreted to reflect a defensive position.

8. Procedural Questions:

The procedural aspects of the DRV proposals represent a greater effort than at any previous time to sketch out an agenda for talks, again of course with the precondition that the main lines of an agreement between us and the DRV be reached beforehand.

(a) Possible separation of military and political issues.

-- "The two parties will discuss and resolve the questions one by one": This leaves wide flexibility for our agenda and could be interpreted as an invitation to move into the modalities of any particular issue of our choosing. Separability of issues is precluded textually by the caveat that the principles agreed upon "will be recorded for the subsequent discussion of the details" and that only after an overall agreement is reached will its provisions come into force.

However, the procedural document draws an interesting distinction between military "questions" and the "principles and main contents" of political questions which suggests some grading of the issues. Moreover, at the August 1 meeting, Le Duc Tho said that if we agreed to the military principles he enunciated "then we shall go into the discussion of the modalities of withdrawal of troops and the modalities for the release of captured military men and civilians."

The question arises as to why the DRV would leave open the sequence of agenda items for discussion and settlement. They know we want to settle the military questions first and, if they continue to insist on inseparability, the procedure they have prescribed could be taken as a prescription for stalemate. The alternate hypothesis is that they would be prepared to agree on military issues in principle and then after a brief period of

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stalemate on political questions agree to implement the military principles already agreed upon.

- (b) The PRG and GVN forum will "discuss and resolve in detail the political and military questions that the forum between the DRV and U.S. has not resolved" (Emphasis added).

Here again is an opening which suggests that the DRV may indeed be contemplating that important political questions (not details) will be unresolved between us and them.

- (c) A tripartite forum between the DRV, PRG and Saigon for the "continued" Settlement of Specific Questions concerning the Two Zones.

This is an intriguing proposal. It is difficult to envisage why they have suggested such a forum. Unless they have in mind settling some questions relating to relations between the North and South before a definitive government is established in the South we are uncertain what they have in mind.

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